G R S App F [X 4]

Previous References

1942-43
(Memo)

File No 108-42

Serial Nos 7, 10, 58, +59

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos 4

Part B for Sept 43

SUBJECT

Refund of a sum of Rs 600/- to the Toll-Contractor of Sravanabelagola Municipality

59) To the D.C.C. Hassan
" Comptr
3475-6 & 21/9/43

Sanctions the proposal

General and Revenue Secretariat | File No 108 of 194 2 | [App F III—2

Serial No

Letter no HL C 2654/40-41 dt 8-1-4 from the Deputy Commissioner Hassan bringing recommending in the circumstances stated, sanction to refund a sum of Rs 600 to the contractor to whom the right of collecting municipal toll in connection with Mahamastakabhisekha ceremony at Sravanabelagula, was sold during the year 1940-41. The records disclose the following facts.

2 In connection with the Mahamastakabhisekha ceremony in Shravanabelagula during the year 1940-41 the right of collecting municipal toll at the place was sold in auction to one Mr A L Sivacar, for Rs 1656

3 When the contractor had worked out the levy of toll for 15 days, the first Magistrate instructed him not to levy the toll on motor vehicles on the ground that such levy was in contravention of Motor Vehicle Rules

4 Thereafter the toll was worked out

Hag W

NOTE—Contn Sheet

WD 04155—GPB—55 000—23-10 41

M/ File No 108 of 1942 — General and Revenue Secretariat

Serial No

for a further period of one month and fifteen days

5- The Contractor has furnished a statement of receipts and expenditure in this connection and it is seen therefrom that he realised Rs 934-3-0 (by the levy of toll) as against an expenditure of Rs 2008-0-0 — Flag V

6- On the ground that he has incurred a loss of Rs 1073-13-0, the Sarvaya (due to the orders issued by the Head Magistrate preventing the recovery of toll on motor vehicles), MV Swamiah has represented that a sum equal to the amount of loss incurred by him may be refunded — Flag U

A Committee constituted to examine the representation has recommended that the Contractor could have realised a sum of Rs 852-8-0 if he had levied toll on motor vehicles and deducting the amount of Rs 143-3-0 that was collected by him (before the issue of the orders of the Head Magistrate) an amount of Rs 75-0 may be refunded to him

7 When the right of levying the

Refund to the Toll Contractor of Sravana belgola Municipality (3)

General and Revenue Secretariat		ML File No 108 (147) of 1942 [App F III—2
	Serial No	
		toll was sold, the contractor appears to have understood that he could levy the toll on motor vehicles (vide Sale notifications)
Hag T		✱
		8 The Dy Comr has recommended that a sum of Rs 600 may be refunded on the ground that the Contractor could have levied the toll on motor cars in accordance with the Sale notification
Hag S		But Under para 2 of G✱O d 18-19 Nov 1935, motor cars are exempt from the levy of tolls at all Municipalities throughout the State Therefore the view indicated by the D C does not appear to be in accordance with the Rules.
		9 The inclusion of motor vehicles in the Schedule appended to the Sale Notification appears to have misled the Contractor in fixing his bid amount at the auction Sale
Hag M.		10 The amount of Rs 750 ✱ recommended by the Committee who considered the representation of the Contractor appears to be reasonable for the reasons ✱ indicated by them.
		11) Subto for orders
NOTE—Contn Sheet		

W D 04155—GPB—55 000—29 10 41

8/10/42

CS 10/10

2)

M/ File No 108 of 1942 — General and Revenue Secretariat

Serial No

for a further period of one month and fifteen days

5- The Contractor has furnished a statement of receipts and expenditure in this connection and it is seen therefrom that he realised Rs 934-3-0 (by the levy of toll) as against an expenditure of Rs 2008-0-0. — Flag V

6- On the ground that he has incurred a loss of Rs 1073-13-0, M.V. Savaraya (due to the orders issued by the Joint Magistrate preventing the recovery of toll on motor vehicles), M.V. Savaraya has represented that a sum equal to the amount of loss incurred by him may be refunded A Committee constituted to examine the representation has recommended that the Contractor could have realised a sum of Rs 852-8-0 if he had levied toll on motor vehicles and deducting the amount of Rs 143-3-0 that was collected by him (before the issue of the orders of the Joint Magistrate) an amount of Rs 75-0 may be refunded to him — Flag U

7- When the right of levy of the-

Refund to the Contractor of Sravana belgola Municipality (3)

General and Revenue Secretariat | ML File No 108 (147) of 1942 | [App F III—2

Serial No	
	toll was sold, the contractor appears to have understood that he could levy the toll on motor vehicles (vide Sale notification)
Hag T	x
	8 The Dy Comr has recommended that a sum of Rs 600 may be refunded on the ground that the Contractor could have levied the toll on motor cars in accordance with the Sale notificatio
Hag S	Rot Under para 2 of G.O. d 18-19 Nov 1935, motor cars are exempt from the levy of tolls at all Municipalities throughout the State Therefore the view indicated by the D C does not appear to be in accordance with the Rules.
	9 The inclusion of motor vehicles in the Schedule appended to the Sale Notification appears to have misled the Contractor in fixing his bid amount at the auction Sale
Hag M.	10 The amount of Rs 750 recommended by the Committee Who Considered the representation of the Contractor appears to be reasonable for the reasons indicated by them.
	11) Subto for orders

NOTE—Contn Sheet

Rom 8/10/42

CS 10/10

W D 04155—GPB—55 000—29 10 41

Referred to the Toll Contractor of Shravanabelagola Municipality —

1447/2

M/ File No of 194 2

General and Revenue Secretariat

Serial No

12) How much has been credited to the M funds of Shravanabelagola municipality under Sec 8 1655 ? On what dates were the amounts credited ? What is the amount due by him now and of the above amount, how much ?

13) If not a remission or a refund that is recommended ? Although he could be prevented from collecting toll on the vehicles registered in the State, could he not have collected the toll on vehicles coming into the M/ municipality outside the State ? If this was not done, how could he be entitled to any refund ?

from 21 x.11

14) Submitted with a draft letter to the D C Hassan but calling for further information

15) Draft

23 10 42

Law Secy

Law 26/10/42

16 Cer

27-10-42

Issue

Law 27 10 42

SECY LAW DEPT 1942

Refund to the Contractor of the Sheraton.
Belagola Municipality

1447
1475

General and Revenue Secretariat — File No — of 1942 — [App F III—2

Serial No	
	1
	The D C Hassan by his
	No L 4405 d 29 10 42
	calls for certain information
5	68 From the D.C. Hassan
	M L C. 2854/40-41 dy 29 8 43
	furnishes the information called for
	above
	It is stated that the Contractor credited
	the entire amount of the bid Vide Rs 16557-
	on 29 12 39 & 12 1 40 and that nothing
	is due from him.
	2) The D.C. states that it was a
	recommendation for a refund of Rs 600/-
	3) In obedience to the order of the
	D.C. Magistrate not to levy tolls on buses
	registered outside the State
	plying for hire on short term and Special
	permits, it is stated that the Contractor
	was precluded from the levy of toll
	4) Even by levying toll on such
	vehicles, the income realised could
	have been only Rs 7-10-0
	Cld with regard to paras 12-16
	The recommendation of the D.C.
	Hassan dated 29/12/43 to refund the
	amount of Rs 600/- to the Contractor

NOTE—Contn Sheet

D 1557—GPB—55 000—23 10 41

6

16 L 1475/L-43

File No | of 194 | General and Revenue Secretariat

Serial No

in the circs stated is forwarded

Law Dept
4/9 Dwg

It can be no doubt that
the contract suffered
loss of more than Rs600/-
as the Secretary of his
account by the
committee enclosed
in
Rs600/- may be
sanctioned as recommended
by the DC

Under Sec
6-9-43
Asst

JJB
12 9
14-9-43
Asst for perusal
Asst
11/9/43

Rs600/- Sanction
Mrs
10/9/43
issued
1-9-43

to the DC Hassan thro' DPI/WR
" Comptroller
for No L 3475-6 & 21 9 43
Sanctioning the refund

OFFICE OF THE MINISTER FOR PUBLIC WORKS
9 SEP 1943
No 1623

TYPING SECT
15 SEP 1943
GEN & REV SEC

PDJ

No Ml C 2654/40-41

Office of the Deputy Commissioner,
Hassan District,
Dated Hassan the 31st August 1942

From

N S Hirannayya, Esq , M A , -
Deputy Commissioner, Hassan District

C Narayanaswamy Naidu, Esq., B A , B L ,
Secretary to Government, Law Department, Bangalore

Sir,

Refund of Rs 600/- to A L Sivaiya, Toll Contractor of Sravanabelgula Municipality

In forwarding herewith correspondence ending with Hassan Sub Division Officer's report No C3 C 149/42 dated 10-8-1942, on the above subject, I have the honour to state that in connection with the Maha - mastakabhisekha ceremony, the Municipal toll was sold in public auction in which the petitioner offered the highest bid of Rs 1655/- The sale was confirmed by the Municipal Council on 3-1-1940

At the time of sale the collection of tolls on motors vehicles was also included in the sale notification

The contractor began to work the tollgate from 20th January 1940 and continued to collect tolls on motor vehicles upto 5-2-40 by which time he had collected a sum of Rs 143-3-0 Just at that time it came to the notice of the District Magistrate that the levy of tolls on such conveyances was in contravention of the motor vehicle rules and further recovery by the contractor was prohibited The toll was worked for a further period of one month and fifteen days after the issue of the prohibitory order

The contractor represented that he incurred a loss of Rs 1073-13-0 on account of the issue of the prohibitory order and has also furnished a statement of expenditure incurred by him

A committee was appointed to scrutinise the accounts and investigate the extent to which the contractor had to be compensated for and they were of opinion that a refund of Rs 750/- could be allowed

The Sub Division Officer Hassan who recommended a refund of

of Rs 600/- was asked to furnish the basis on which the committee recommended Rs 750/- The committee again resolved on 27-3-42 taking into consideration the number of motor vehicles that have plied subsequent to the issue of the order that a sum of Rs 852-8-0 would have been the realisation on 1890 vehicles that have plied and deducting the amount of Rs 143-3-0 that was already collected, a sum of Rs 750/- has been recommended

The Sub Division Officer has reported that 1769 buses and 51 lorries have passed through from 1-2-40 to 28-2-40 as per figures furnished by the Police and that no toll was levied on cars though the contractor had a right to do so as per conditions of sale notification He has added that taking the income that could have been realised to be Rs 852-8-0, 20% for the cars and buses that have plied twice within 24 hours should also be taken into consideration as well as the income of Rs 143-3-0 that was already collected by the contractor and has recommended a refund of Rs 600/- only instead of Rs 750/- as estimated by the Committee.

I am in agreement with the views of the Sub Division Officer and recommend that a refund of Rs 600/- only may be sanctioned and to request you to kindly obtain necessary sanction of Government therefor

I have the honour to be,
Sir
Your most obedient servant,

Deputy Commissioner
Hassan District

I S D

Appendix F G—1]

SUBJECT

9

Section Rel
File No 108-42
Serial No 10

Diary No of letter replied to

No L 4405 ✓
Encl 1 file

General and Revenue Secretariat

( )

the *194*

To

The D C Hatton Bill

Sir,

Date of issue 29/10/42

With reference to your letter no RL C 265-4/40-41d 31-8-42 recommending Sanction to refund a Sum of Rs 600 to the Contractor to Whom the right of Collecting rent toll in connection with Maha-mahala Kabalu Eka ceremony at Sravanabelagola was Sold during the year 1940 41, I am directed to request you to furnish information on the following points —

Signed by Mr K M N

The

List of enclosures

Codied by 29/X/42

Examined by

P T O

(6)

1) Has the contractor credited to the Municipal Funds the actual bad amount of Rs 1655- and on what- dates were the amounts credited? If not-, what- is the amount due by him now out- of the bad amount-?

2) Is it- a remission or a refund that- is ~~requested~~ recommended?

3) Although the Contractor was ~~could be~~ prevented from collecting toll on the vehicles registered in the State, could he not- have collected the tolls on vehicles not registered in the State but entering ~~coming into~~ the limits of Municipality from outside the State?

4) What- is the income that- would have been realised by the contractor if he had levied the toll on the vehicles from outside the State (that- had not- taken short- time licenses under the Motor vehicles Rules) and whether he was not- informed of this right-?

The records accompany for reference & return

Yours Exec. Engr.

27-10-

for Secy to Govt-
Law Dept-

Re 108-42-58

Office of the Deputy Commissioner,
Hassan District,

No L C 2854/40-41 Dated Hassan, the 29th August 43

SECY LAW DEPT. GOVT OF MYSORE

SECRET 1425 L 1 SEP 1943 L S G BRANCH

From

M S Hiranmayya, Esq , M A ,

Deputy Commissioner, Hassan District.

To

C Narayanaswamy Naidu, Esq , B A ,B L ,
Secretary to Government, Law Department,
B a n g a l o r e.

Sir,

With reference to your letter No L 4405/M 1 108-42-10 dated 29-10-42 calling for certain information re the question of refunding a sum of ₹600/- to the Municipal toll contractor of Sravanabelagola for the year 1940-41, I have the honor to state as follows -

2 The President, Sravanabelagola Municipal Council in his letter No H C 445/40-41 dated 9-3-1943 reports that the contractor has credited ₹1665/- on 29-12-1939 and 12-1-1940 and nothing is due from him

3 The recommendation is for the refund of ₹ 600/- as already stated in the last para of my previous letter of even No dated 31-8-1943

4 On 5-2-1940 the contractor was served with an order No G1 176 by the Municipal President not to levy toll on Buses plying on short term and special permits, in pursuance of emo No 202/39-40 dated 2-2-1940 from the District Magistrate, Hassan In obedience to this order the contractor did not collect toll on such buses

5 From the statement of the number of Motor Vehicles that passed throug the toll gate during Mahamastakabhisheka ceremony it is seen that only 25 such vehicles which were registered outside the State but which has not obtained short term or special permits, had come to Sravanabelagola and the contractor could have realised only a sumof ₹7-10-0 by levying toll on such vehicles

Since the contractor was specifically informed not to levy toll only on motor vehicles possessing short term and special permits, there was, perhaps no necessity to inform him that he could collect toll on

- - -

motor vehicles not registered in the State. and not covered by a special or short-term permit

In these circumstances as already recommended orders of Government to refund a sum of Rs 300/- may be kindly obtained and communicated.

6 | All the corrected papers accompany

I have the honor to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Hassan District.

as.

abd

G P S Apd F VI—G 2]

SUBJECT

Diary No of letter replied to 1475

Section Rel

File No 108-42

Serial No 59

General and Revenue Secretariat

( )

the *19*

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue 21/9 19

Signed by M V Rao

Read—

Correspondence ending with letter No. R L-C 2654/40-41 dated 29th August 1943 from the Dy Commr, Hassan Dt recommending, in the circumstances stated, sanction to a refund of Rs 600/- to the ~~Order thereon—Do~~ A L Sivaiya, Contractor for the amount paid by him for the right of Collecting municipal toll in connection with the Mahamastaka-bhishekam ceremony at Sravanabelgola during the year 1940-41

Order

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette English Part?

(iv) translated?

(v) placed at the disposal of the Press?

(vi) published in the Gazette Kannada Part?

Order

Order L3475-6 8

Lanchain is accepted to
the refund of RS 6004 as at
in part of
Contracting as recommended
by the Dy Commr, Hassan dtd
from
the Secy to Govt
Law Dept
To the DC Hassan w/R
" Comptroller to Govt

List of Enclosures

Copied by
Examined by

D 03696- GI B—30 000 2 2 40